

**BOARD OF SELECTMEN**  
**Minutes of**  
**May 14, 2007**

Clerk Gandt called the meeting to order at 7:30PM. Board members present were Boyd Jackson, Richard Gandt, Steve Clark, and Richard Carlson. John McArdle was absent. Of the Selectmen's staff Town Administrator Virginia Wilder, & Donna Rich, Board Secretary, were in attendance. Other persons present were Jane Schraffa and Evelyn Hammond of Topsfield Cable. Topsfield citizens were Terri Lee Carabillo, owner of New Meadows Market and Walter Harmer, Conservation Commission Chair and Police Chief Evan Haglund

**Announcements:** Clerk Gandt announced that with the absence of Chairman McArdle, he would run the meeting. He announced that the Board would be going into Executive Session at the end of the meeting to discuss the potential Cell Tower litigation, Fire Chief Contract, Reserve Police Union Contract, and Teachers Union Contract and they would not return to open session.

**Selectmen Minutes:** Selectman Clark made a motion to approve the minutes of the Special Meeting on May 1, 2007 as amended; seconded by Clerk Gandt; so voted 2-0. Selectman Jackson and Carlson abstained. Selectman Jackson made a motion to accept the minutes of May 7, 2007 as amended; seconded by Selectman Carlson, so voted 3-0. Selectman Clark abstained.

Chief Evan Haglund addressed the Board saying that on behalf of himself, his family and friends he would like to thank the Town for the reception that was given in his honor on May 10<sup>th</sup>. He stated he has been speaking with citizens and hearing of their concerns. He is happy to be here and to move the department forward.

**OLD BUSINESS:**

**Summer Meeting Schedule:** Discussion surrounded moving to a bi-weekly schedule. The draft schedule as presented was based on meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Monday to begin this month (May) moving through September. Selectmen Clark stated that he preferred every two weeks and suggests that staff move the meetings in August and September to adjust for the 5 weeks in July. Selectman Jackson made a motion to accept the amended schedule of meetings to be held May – September 2007, Selectman Carlson seconded, so voted 4-0. Selectman Jackson noted that a Special Meeting could be called at any time if needed between scheduled meetings.

**NEW BUSINESS:**

**One Day Liquor License:** Selectman Jackson made a motion to issue a one day liquor license to the Marine Corps League Detachment 871 for a golf outing on June 8, 2007 from 12-9PM to be held at the New Meadows Gold Course. Selectman Carlson seconded; so voted 4-0. Selectman Jackson and Clark noted that it was for a charitable event

**Letter of Interest to serve on the Conservation Commission:** Selectman John McArdle submitted a letter asking to be appointed to the Conservation Commission. In the letter he noted that the Conservation Commission has had a vacancy on their board for over a year. There was discussion that more volunteers are needed in board positions. Clerk Gandt stated that the

position would expire in June 2009. Selectman Carlson asked to defer the vote until the next meeting so he can discuss the request with Selectman McArdle.

Closing off of Park Street: The next item discussed was a request from St. Rose Church to close a portion of Park Street for a picnic at the Church on May 19<sup>th</sup>. Clerk Gandt stated that Chief Haglund had reviewed the request and suggested that the barriers be moved slightly to allow movement on Park Street through the commuter parking area. Ms. Wilder noted that there is no cost to the Town. The Highway Department will drop off the barriers by the close of business on Friday. And the on duty police personnel will place the barriers in position on Saturday and remove them at the end of the event. Clerk Gandt made a motion to allow the closing of a portion of Park Street for a picnic at St Rose on May 19<sup>th</sup>. Selectman Jackson seconded; so voted 4-0.

Town of Topsfield Organization Chart: Clerk Gandt stated organizational chart dated May 8, 2007 was distributed to the Board. Clerk Gandt stated that based on the outcome of the election the Organization Chart looks much like it did January 2007.

Selectman Clark asked some questions on the structure of the chart. It was agreed that there should be two charts, one showing the organization structure and one showing the appointment structure.

Annual appointments were then discussed and how they would be executed this year. Selectman Clark read the March 2005 Warrant Article that states what the Town Administrator does. Selectman Carlson commented that we should follow the text of the Warrant Article. Selectman Clark asked who was responsible to appoint the Recreation Committee and others. Selectman Jackson noted that more conversation is required regarding 2007-08 Town appointments. Clerk Gandt and Selectman Clark agreed to meet with the Town Administrator to go over appointments, to clarify the same for the next meeting.

Request for Outside Seating: Letter from Terri Lee Carabillo requesting permission for outside seating at 19 Main St, New Meadows Market. Terri Lee Carabillo was present to answer any questions if needed. Selectman Carlson and Clark both questioned if she needed to ask the question in the first place. Selectman Clark reviewed the Zoning and Town code and saw nothing wrong with putting tables and chairs on private property. Selectman Carlson asked if there was any language in the alcohol license and noted that in the absence of such language, she was able to do as her diagram noted without written permission from the Board of Selectman. It was a consensus of the Board that no permission is needed for outside seating at 19 Main St, New Meadows Store.

License from Essex County Cooperative to Topsfield Parks & Cemetery: The Essex County Cooperative Farming Association (Coop) in Topsfield offered a revocable license to Topsfield's Park & Cemetery Department to enter on to a portion of their property containing the "Welcome to Topsfield" sign for the purpose of upgrading and maintaining the grounds around the sign. It was discussed that this was not an actual commitment to maintain the area, but it did imply such intent. Selectman Clark asked if there would be any extra cost to maintain the agreement and if the Parks & Cemetery Department has any problem. Selectman Jackson noted that this will increase their work load and it should be recognized that they continually the Coop access the grounds around the Welcome to Topsfield sign, Selectman Jackson seconded; so voted 4-0.

Meter Contract: Clerk Gandt noted that it is the 2<sup>nd</sup> year of the contract and that this amendment to acquire more meters is less than 25% of the contract total. Selectman Jackson made a motion

to amend the contract in the amount of \$25,499.71 with EJ Prescott of Gardiner, Maine for the purchase of water meters, Selectman Carlson seconded; so voted 4-0.

290 Ipswich Road Transfer of Title: Walter Harmer was in the audience and asked to come forward. He was present to provide information regarding the Essex County Greenbelt's purchasing of land at 290 Ipswich Rd. and the Conservation Commission providing \$50,000 gift money for the acquisition. The Conservation Commission will present their proposal at the next Board meeting. Mr. Harmer noted that on the property is the first certified vernal pool in Topsfield.

Treatment Chemical Contract: Selectman Clark made a motion to award a contract for the purchase of 45% by Weight Potassium Hydroxide Solution to Border & Remington of Fall River, MA in the amount of \$17,964.30, seconded by Selectman Carlson; so voted 4-0.

Meter Grant Contract: Selectman Clark made a motion to amend Massachusetts Department of Conservation and Recreation grant to change the expiration from June to November 2007, seconded by Selectman Carlson; so voted 4-0.

Water Quality Study: Selectman Jackson made a motion to award SEA Consultants, Inc of Cambridge, MA a contract in an amount not-to-exceed \$20,900 to conduct a water quality study, Selectman Clark seconded; so voted 4-0. Selectman Carlson questioned why the request was not on the 2007 Warrant and it was noted that it had been on the 1999 Warrant. Town Accountants approval had already been obtained.

### **Town Administrator's Report:**

Please see attached report. Discussion regarding JRM beginning to collect trash prior to 7AM as noted in their contract. There is a noise issue, breach of contract issue and nuisance in the Selectmen's office when this occurs. Ms. Wilder will speak to JRM management to correct the issues.

### **Correspondence & Reports**

- Several letters and reports were received
  - Correction of information to the papers referencing Conservation Commission and flooding issues.
  - Municipal Elections to the Boston Region Metropolitan Planning Organization (MPO). Selectman Jackson noted that historically our MBTA representative recommends and votes on behalf of the Town. Clerk Gandt noted that there is one from a town and one from a city voted.
  - Request of agricultural zoning areas. Letter received from 43 Kinsman Lane with a complaint regarding roosters and chicken on adjacent property. Selectman Clark noted that any Zoning By-Law changes would need Town Meeting vote and should go through Planning Board as well. Area was noted as residential and is a legitimate complaint.
  - Verizon stating that Comcast is not relating correct information in regards to Senate Bill 1975 and House Bill 3385.
  - Cable TV Advisory Committee minutes of March 7, 2007
  - Board of Assessors minutes of April 19, 2007
  - Conservation Commission – Amended Order of Conditions at 10 Gail Circle and an Order of Conditions at 20 Town Lane
  - Finance Committee minutes of April 23, 2007
  - North Shore Regional Vocational School minutes of March 8, 2007

- Open Space Committee minutes of December 18, 2006 and Jan 20, 2007
- Planning Board minutes of Feb 20, Mar 6 & 20, Apr 3 & 12, 2007
- Town Hall Building Committee minutes of Mar 20 and April 18, 2007
- Zoning Board of Appeals minutes of March 27, 2007
- Monthly Reports from the Fire Department

**Invitations:**

- MBTA Advisory Board Meeting on May 24, 2007 at 9:30AM
- Annual Metropolitan Area Planning Council Meeting on May 23, 2007 beginning at 9AM

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$404,661.05**. The breakdown is as follows:

Warrant #FY07:	
091T	\$ 85,158.90
091	\$192,970.99
092	\$126,531.16

**Executive Session:** At 8:45 PM, Clerk Gandt entertained a motion to go into executive session to discuss the Police Reserve Union Contract, Teachers Contract, potential Cell Tower litigation and Fire Chief Contract. A yes vote was recorded for Selectmen Gandt, Selectman Clark, Selectman Jackson and Selectman Carlson. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

Respectively submitted,

Donna Rich, Secretary  
Board of Selectmen's Office

Approved as amended at the May 29, 2007 Board of Selectmen meeting.